

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

FOULK CONSULTING SERVICES INC,

Plaintiff,

Case No. 3:20-cv-11446

v.

Hon. Robert H. Cleland

**BLAZEMETER, INC., CA, INC., and
BROADCOM, INC.,**

Defendants.

STIPULATED STAY ORDER

Plaintiff Foulk Consulting Services, Inc. (“Plaintiff” or “Foulk”) and Defendants BlazeMeter, Inc., CA, Inc., and Broadcom, Inc. (“Defendants”) (individually, a “Party”, or collectively, “the Parties”), have jointly advised the Court as to the following facts:

1. During the summer of 2020, and prior to Defendants answering the Complaint, the Parties and their counsel conducted informal settlement discussions via videoconference. DE 5.
2. On April 21, 2021, the Parties and counsel conducted a pre-dispute resolution video status conference before Judge Anthony Patti. DE 29.
3. On May 3, 2021, the Parties’ counsel conducted a continued settlement discussion before Judge Patti. DE 31.

4. On June 16, 2021, the Parties and their counsel conducted an in-person formal mediation before Judge Anthony Patti in Detroit, MI at the law offices of Jones Day, Defendants' counsel. DE 32. Although a settlement was not reached, the Parties agreed to continue discussions following the mediation.

5. On June 30, 2021, the Parties, without their counsel present, conducted an informal settlement discussion. On July 6, 2021, the Parties communicated again without their counsel present. Although a settlement has not been reached, the Parties desire to continue these discussions in good faith to explore a potential resolution of this case rather than incur unnecessary litigation expenses.

6. On July 7, 2021, the Parties are scheduled for a status conference with Judge Patti, during which they must provide an update regarding the post-June 16 mediation settlement discussions and whether the Parties foresee the possibility of settlement. DE 36.

7. The Parties desire a brief stay of the operative Scheduling Order (DE 22) in order to further focus their attention on the possibility of settlement, without the concurrent need to incur legal fees in furtherance of the litigation. If the case does not settle and litigation proceeds, the Parties agree to jointly propose a new case schedule for the Court.

8. There is an upcoming in-person settlement conference before Judge Patti scheduled for September 16, 2021. DE 24.

Accordingly, it is hereby ordered as follows:

1. All deadlines in this matter are hereby stayed for a period of thirty (30) days.
2. If a settlement between the Parties is reached, the Parties shall duly advise the Court of such.
3. If, after thirty (30) days, the negotiations between the Parties reach an impasse, either Party may formally notify the Court of the same, and the stay shall be automatically lifted. Otherwise, if additional time is believed to be needed to finalize a settlement, the Parties should submit a request at that time.
4. Upon the lifting or expiration of the stay, the Parties are to file a joint proposed new schedule within 7 days.

IT IS SO ORDERED.

Dated: July 8, 2021

s/Robert H. Cleland
Hon. Robert H. Cleland
United States District Judge

APPROVED AS TO FORM AND CONTENT:

/s/ Jeffrey D. Wilson

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